UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
CHEN, CHONGSHAN

ART UNIT	PAPER NUMBER
2162	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

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<table>
<tr><td rowspan="2">Office Action Summary</td><td colspan="2">Application No.</td><td colspan="2">Applicant(s)</td></tr>
<tr><td colspan="2">09/687,420</td><td colspan="2">ROCK ET AL.</td></tr>
<tr><td></td><td colspan="2">Examiner</td><td>Art Unit</td><td></td></tr>
<tr><td></td><td colspan="2">Chongshan Chen</td><td>2162</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 April 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-18</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications filed on 19 April 2005. Claims 1-18 are

pending in this Office Action.

Claim Objections

2.   Claim 1 is objected to because of the following informalities: the claim merely recites a

number of computing steps without producing any tangible result and/or being limited to a

practical application within the technological arts. The use of a computer has not been indicated.

The examiner suggests changing the preamble to "A computer-implemented method" and

changing the third limitation to "generating a database in a computer readable medium".

3.   Claim 6 is objected to for the same reason stated as above. The examiner suggests

changing the first limitation to "a database stored in a memory".

4.   Claim 12 is objected to for the same reason stated as above. The examiner suggests

changing the second limitation to "generate a database in the memory".

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haq et al.

(hereinafter "Haq", US 6,275,812 B1) in view of Joao (US 6,662,194 B1).

As per claim 1, Haq disclosing a method for determining candidates to interview, said

method comprising the steps of:

providing pre-determined desired qualities for a candidate, the desired qualities include at

least two of analytical ability, self-confidence, initiative, change orientation, and interpersonal

skills (Haq, col. 5, line 25 – col. 6, line 42, "ISDRM allows specific job functions (roles and

responsibilities) in a specialty to be identified by a skills template. A skill template basically

identifies the relevant importance of each skill (Weights) and the skill level (Index) required in

each skill to perform a job function. ... For example, a Circuit Design Engineer needs to have an

index of 1 in Management Skills". The examiner interprets the circuit design skill as the pre-

determined desired quality of analytical ability, and the management skill as the pre-determined

desired quality of interpersonal skill);

determining if the candidate possesses at least one of a plurality of independent

characteristics, a predetermined combination of characteristics being indicative of a degree to

which the candidate possesses the desired qualities (Haq, Fig. 5, col. 3, line 20 – col. 4, line 67,

col. 5, line 25 – col. 6, line 42, the system determines whether the candidate possesses the circuit

design skill which is the analytical ability in combination with management skill which is the

interpersonal skill);

generating a database including at least one characteristic for each candidate wherein the

at least one characteristic is correlative to the desired qualities (Haq, Fig. 2, element 78,

Employee Database, element 79, Skills Assessment Forms);

normalizing the characteristics, normalizing includes comparing a total number of

characteristics, possessed by the candidate, of a combination of characteristics that determine

each desired quality, to a total number of possibly possessed characteristics for the desired

quality, and assigning a value to each desired quality based on the comparison (Haq, Fig. 5-10,

col. 4, line 61 – col. 5, line 5, col. 6, lines 5-61);

displaying results for each candidate based on the desired quality values (Haq, col. 10,

lines 40-43, "outputs of various of request/queries to the database").

Haq does not explicitly disclose selecting at least one candidate to interview based on the

desired quality values. Joao teaches selecting at least one candidate to interview based on the

desired quality values (Joao, col. 24, lines 22-35). Therefore, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to modify the system of Haq by

incorporating the means for selecting candidate to interview as disclosed by Joao (Joao, col. 24,

lines 22-35). The motivation being to allow the employer to decide which candidate is the most

suitable candidate for the job through the interview process.

As per claim 2, Haq and Joao teach all the claimed subject matters as discussed in claim

1, and further disclose storing the predetermined desired qualities for a candidate within the

database, the desired qualities include analytical ability, self-confidence, initiative, change

orientation, and interpersonal skills (Haq, Fig. 5, col. 5, line 25 – col. 6, line 42).

As per claim 3, Haq and Joao teach all the claimed subject matters as discussed in claim

1, and further disclose obtaining pre-determined desired qualities associated with each

characteristic (Haq, Fig. 5, col. 5, line 25 – col. 6, line 42); and normalizing characteristics of

each candidate with the pre-determined desired qualities associated with each characteristic

(Haq, col. 6, lines 5-55).

As per claim 4, Haq and Joao teach all the claimed subject matters as discussed in claim 1, and further disclose summing the normalized characteristics of each candidate; and dividing the sum total of the normalized characteristics by a pre-determined value representing a total amount possible (Haq, col. 5, line 1 – col. 6, line 55).

As per claim 5, Haq and Joao teach all the claimed subject matters as discussed in claim 1, and further disclose displaying the results (Haq, col. 10, lines 40-43), which inherently includes displaying the results of the candidates in at least one of a tabular output format and a graphical output format.

Claims 6-8 rejected on grounds corresponding to the reasons given above for claims 1-3.

As per claim 9, Haq and Joao teach all the claimed subject matters as discussed in claim 6, and further disclose

rank each candidate based on normalized characteristics (Haq, Fig. 11); and

sum the normalized characteristics of each candidate (Haq, col. 5, line 1 – col. 6, line 55).

As per claim 10, Haq and Joao teach all the claimed subject matters as discussed in claim 9, and further disclose divide the sum total of all normalized characteristics by an amount representing a pre-determined possible total (Haq, col. 5, line 1 – col. 6, line 55).

As per claim 11, Haq and Joao teach all the claimed subject matters as discussed in claim 6, and further disclose displaying the results (Haq, col. 10, lines 40-43), which inherently includes displaying the results of the candidates in at least one of a tabular output format and a graphical output format.

Claims 12-13 are rejected on grounds corresponding to the reasons given above for claims 1-2.

As per claim 14, Haq and Joao teach all the claimed subject matters as discussed in claim 12, and further disclose normalizing the characteristics, said processor further programmed with pre-determined desired qualities associated with each characteristic (Haq, col. 5, line 25 – col. 6, line 61).

As per claim 15, Haq and Joao teach all the claimed subject matters as discussed in claim 12, and further disclose normalize the characteristics, said processor further programmed to normalize candidate characteristics with known qualities associated with each characteristic (Haq, col. 5, line 25 – col. 6, line 61).

As per claim 16, Haq and Joao teach all the claimed subject matters as discussed in claim 12, and further disclose summing the normalized characteristics of each candidate; and dividing the sum total of the normalized characteristics by an amount representing a predetermined possible total (Haq, col. 5, line 1 – col. 6, line 61).

As per claim 17, Haq and Joao teach all the claimed subject matters as discussed in claim 16, and further disclose displaying the results (Haq, col. 10, lines 40-43), which inherently includes displaying the results of the candidates in a tabular output format.

As per claim 18, Haq and Joao teach all the claimed subject matters as discussed in claim 16, and further disclose displaying the results (Haq, col. 10, lines 40-43), which inherently includes displaying the results of the candidates in a graphical output format.

Response to Arguments

7.   Applicant's arguments filed on 19 April 2005 have been fully considered but they are not

persuasive.

8.   As per applicant's arguments regarding the references do not teach providing pre-

determined desired qualities for a candidate, the desired qualities include at least two of

analytical ability, self-confidence, initiative, change orientation, and interpersonal skills have

been considered but are not persuasive. Haq teaches ISDRM allows specific job functions (roles

and responsibilities) in a specialty to be identified by a skills template. A skill template basically

identifies the relevant importance of each skill (Weights) and the skill level (Index) required in

each skill to perform a job function. ... A template basically identifies what skill levels are

required and what is their importance for a job function (Haq, col. 5, lines 25-35). For example,

a Circuit Design Engineer needs to have an index of 1 in Management Skills (Haq, col. 6, lines

35-39). The examiner interprets the circuit design skill as the pre-determined desired quality of

analytical ability, and the management skill as the pre-determined desired quality of

interpersonal skill. Therefore, the arguments are not persuasive.

9.   As per applicant's arguments regarding the references do not teach determining if the

candidate possesses at least one of a plurality of independent characteristics wherein a

predetermined combination of the characteristics are indicative of a degree to which the

candidate possesses the desired qualities have been considered but are not persuasive. The

system of Haq determines whether the candidate possesses the circuit design skill which is the

analytical ability. Furthermore, the system determines whether the candidate also possesses the

management skill (Haq, col. 6, lines 35-39). The management skill is the interpersonal skill.

The circuit design skill combining with the index of 1 in management skill indicates whether the candidate possesses the desired qualities. Therefore, the arguments are not persuasive.

10.   As per applicant's arguments regarding the references do not teach generating a database including at least one characteristic for each individual wherein the at least one characteristic is correlative to the desired qualities have been considered but are not persuasive. Haq teaches generating a database including at least one characteristic for each individual wherein the at least one characteristic is correlative to the desired qualities (Haq, Fig. 2, element 78, Employee Database, element 79, Skills Assessment Forms, Fig. 5-7. Fig. 5-7 show whether engineer 1, 2 and 3 possess certain characteristic correlative to the desired qualities). Therefore, the argument is not persuasive.

11.   As per applicant's arguments regarding the references do not teach normalizing the characteristic wherein normalizing includes comparing a total number of characteristics, possessed by the candidate, of a combination of characteristics that determine each desired quality, to a total number of possibly possessed characteristics for the desired quality, and assigning a value to each desired quality based on the comparison have been considered but are not persuasive. Haq teaches comparing a total number of characteristics, possessed by the candidate, of a combination of characteristics that determine each desired quality, to a total number of possibly possessed characteristics for the desired quality, and assigning a value to each desired quality based on the comparison (Haq, col. 4, line 61 – col. 6, line 61). Therefore, the argument is not persuasive.

12.   In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Haq by incorporating the means for selecting candidate to interview as disclosed by Joao (Joao, col. 24, lines 22-35). The motivation being to allow the employer to decide which candidate is the most suitable candidate for the job through the interview process.

Conclusion

13.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Chongshan Chen whose telephone number is (571) 272-4031.
The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the
organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
applications is available through Private PAIR only. For more information about the PAIR
system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chongshan Chen
June 23, 2005